



DANIEL P. MCCOY  
COUNTY EXECUTIVE

EUGENIA KOUTELIS CONDON  
COUNTY ATTORNEY

COUNTY OF ALBANY  
OFFICE OF THE COUNTY ATTORNEY  
COUNTY OFFICE BUILDING  
112 STATE STREET, ROOM 600  
ALBANY, NEW YORK 12207-2021  
PHONE (518) 447-7110 | FAX (518) 447-5564  
WWW.ALBANYCOUNTY.COM

JOHN W. LIGUORI  
DEPUTY COUNTY ATTORNEY

YORDEN C. HUBAN  
FIRST ASSISTANT  
COUNTY ATTORNEY

October 30, 2023

Hon. Anne M. Nardacci  
United States District Court Judge  
Northern District of New York  
445 Broadway, Room 441  
Albany, New York 12207

Hon. Christian F. Hummel  
United States Magistrate Judge  
Northern District of New York  
445 Broadway, Room 441  
Albany, New York 12207

**RE: Danny Farrington v. Sgt. Michael Poole, et al.**  
**Civil Index No 9:22-CV-356 (GTS/CFH)**

Dear Judge Nardacci & Judge Hummel:

As the Court is aware, I represent the Albany County Defendants in the above referenced matter. As of the time of this letter the Albany County Defendants have filed the majority of their motion for summary judgement. (See Dkt. No. 48 through Dkt. No. 50) However, I continue to be unable to file seven (7) of the defendants Exhibits in support of their motion due to an apparent IT issue. I respectfully request the Court's permission to file these in hard-copy.

By way of brief background, I began attempting to filing the County Defendants motion for summary judgement around 2:00 pm this afternoon. After several unsuccessful attempts at uploading the motion and related exhibits, and several error messages, I reached out to the Clerk's office for the Northern District for assistance. The individual I spoke unable to provide advice or assistance. I then reached out to Ms. Tara Burtt, law clerk for Judge Hummel, who graciously assisted me and gave me some possible avenues and ideas to get the motion filed. I also received a call from Ms. Nancy Steves from the "Inmate Litigation Unit" for the Northern District, who also provided some helpful ideas on how to file. I am grateful for both of their assistance.

Since that time, I have been able to upload most of the County Defendants motion piecemeal. However, there are currently seven (7) exhibits which the ECF system will not allow me to file. The exhibits are:

Exhibit “Q” – A true and accurate copy of the examination before trial of Corrections Officer Heath Furbeck dated July 27, 2023;

Exhibit “X”- A true and accurate copy of the examination before trial of Corrections Officer Erik Gettings dated July 19, 2023;

Exhibit “Y”- A true and accurate copy of the examination before trial of Corrections Officer Padraic Lyman dated August 21, 2023;

Exhibit “Z”- A true and accurate copy of the examination before trial of Corrections Officer Josiah Haley dated July 27, 2023;

Exhibit “AA”- A true and accurate Copy of the examination before trial of Corrections Officer Vincent Liveri dated July 10, 2023;

Exhibit “DD”- A true and accurate copy of the examination before trial of Corrections Officer David Dollard dated July 10, 2023;

Exhibit “EE”- A true and accurate copy of the examination before trial of Corrections Officer Andrew Cohen dated July 27, 2023.

Earlier today I placed a letter on the docket requesting that the Court allow the County Defendants to file their video exhibits in hard-copy, for technical reasons. (See Dkt. No. 47). I respectfully request that the Court permit me to file those video exhibits, along with the seven Exhibits noted above in hard copy with the Clerk of the Northern District.

I thank the Court for its attention to this matter. Please do not hesitate to contact this office with any questions or concerns.

Sincerely,

/s/ Kevin M. Cannizzaro

KEVIN M. CANNIZZARO, ESQ. *of Counsel*  
Assistant Albany County Attorney